Idaho Heating, Ventilation and Air Conditioning Board Meeting

Thursday – June 12, 2003 Division of Building Safety – Meridian, Idaho

CALL TO ORDER

Chairman Minegar called the meeting to order at 9:05 am on Thursday, June 12, 2003

at the Division of Building Safety, Meridian, Idaho.

PRESENT

Board members present included Pat Minegar, Russ Firkins, Jim Bledsoe, Steve Brown, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Kay Manweiler, Deputy Attorney General; Shauna Wallace, Administrative Assistant and recording secretary; Ted Hogander, Plumbing Bureau; Bob Rawlings, Plumbing Bureau; and Arlan Smith, Building Bureau; and Gary Malmen, Electrical Bureau. Also present were Maria Barratt, Division of Financial Management; and Bob Corbell, IEC Association; Brent Moore, Sheet metal Workers #60; John Eaton, BCA; Russ Goyen, City of Idaho Falls.

BOARD MEMBER BUSINESS Chairman Minegar asked everyone in the room to introduce themselves. Dave Munroe will be accepting applications for the vacant position on the Board to be submitted to the Governor.

MINUTES OF 5/29/03

Russ Firkins moved to approve the minutes from the May 29, 2003 Board meeting. Seconded. Passed.

REPORT BY CHAIRMAN MINEGAR Chairman Minegar reported on a meeting he, Jim Bledsoe, and Bob Corbell attended in Lewiston, Idaho in an effort to disseminate information to the public regarding the new Idaho Heating, Ventilation and Air Conditioning (HVAC) program and on the statewide association they are currently trying to get underway. Chairman Minegar felt the meeting went well.

ADMINISTRATIVE RULES

Kay Manweiler recommended to the Board that the HVAC program administrative rules (rules) be compiled in one all-encompassing chapter of rules. This decreases confusion and costs.

Ms. Manweiler explained to the Board that they must determine the criteria for the administrative rules, the staff will write the rules, and then the Board will review, make changes, and ultimately approve the final version to be submitted to the Office of Administrative Rules.

Ms. Manweiler pointed out to the Board that the grand fathering rule will only be in place to get those people who are currently doing business licensed. She also discussed with the Board some issues for them to think about when determining the criteria for the grand fathering rule. Ideas included: two (2) years work experience, test on jurisprudence, and which training or educational requirements would be necessary.

Ms. Manweiler suggested to the Board they prioritize their business schedule according to their legislative authority. First, concentrate on licensing and permitting and work on continuing education issues later.

There was some question as to whether or not inactive status was something the Board could issue, but Ms. Manweiler informed the Board there is no legal authority for that at this time, and that the Board would have to go back to the Legislature to get that authority.

After some discussion regarding qualifications and ages for apprenticeship and possible apprenticeship programs Mr. Corbell informed the Board that 18 years old was the age usually used due to worker's compensation insurance. Mr. Corbell also told the Board that the College of Northern Idaho has a small heating program and it may be easiest to go through them for an apprenticeship program.

In Mr. Firkins' opinion Idaho Code gives authority to promulgate rules regarding: HVAC contractor certificate of competency; HVAC specialty contractor certificate of competency; HVAC journeyman certificate of competency; apprentice registration; appeals; permits; permit and inspection fees; inspections; inspectors; and code to be used (2003 UMC, 2003 IMC, IFGC). Ms. Manweiler will draft rules and then the Board will determine amounts for any fees not already in Idaho Code. She also reminded the Board to be mindful, as there are no guarantees on rules not in Idaho Code.

Arlan Smith told the Board the code they choose to adopt would dictate whether or not a plan review is required.

Ms. Manweiler left the meeting at 9:45 am.

Mr. Firkins moved that the Board direct the Division of Building Safety and the Attorney General's representative [Kay Manweiler – SLW 6/30/03] to draft a rule for HVAC permit inspection fees pursuant to the discussion draft dated 6/12/03. Seconded. Passed. (attached)

DISCUSSION DRAFT FOR HVAC ADMINISTRATIVE RULES Mr. Firkins began the review of the discussion draft for HVAC rules he created for the Board to go through. (attached)

HVAC CONTRACTOR CERTIFICATE OF COMPETENCY Suggestions for requirements for the HVAC Contractor Certificate of Competency included: open book exam; bullet point list on registration for certificate with a place to sign stating applicant has read and understands bullet point list; proof of time as journeyman (2 years) notarized on a one or two page form; proof of worker's compensation insurance, which wouldn't work for contractors with no employees; Mr. Firkins did not want to use tax returns as a requirement. He also indicated the grand fathering requirements would have to be liberal and have a cut off date. Mr. Munroe suggested a copy of the Secretary of State business registration. Chairman Minegar recommended that applicants meet one of three criteria. Mr. Firkins listed them as current Public Works Contractors License; current license in an Idaho city or county; currently in business as a contractor; Federal identification number. Chairman Minegar also suggested any paperwork should be notarized and that applicants acknowledge they have read the law.

Mr. Corbell pointed out to the Board that the presentation to the Legislature and the letter to HVAC contractors dated January 21, 2003 (attached) regarding the legislation stated that companies currently in business will be grand fathered in to receive certificates of competency.

Mr. Firkins suggested the deadline for grand fathering be December 31, 2004 unless it can be proved that everyone has been contacted. Mr. Bledsoe mentioned businesses in border towns. Chairman Minegar reiterated businesses should have conducted business in the state of Idaho. Mr. Bledsoe suggested grand fathering begin prior to January 1, 2004 in an effort to allow contractors to license with the state so they won't have to pay to license in their local jurisdiction and then again with the state.

Chairman Minegar ordered a ten-minute break.

The length of time during which a contractor will be grand fathered in will be from one to three years due to the necessity of staggering licensing renewals. All contractors will be subject to administrative rule requirements upon renewal of licenses.

HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY Suggested requirements for HVAC Specialty Contractor Certificate of Competency after grand fathering is over were: only one year as journeyman; proof of work completed; references; past permits; applicant must state on application which specialty they are apply for and if they have proof of prior work in said specialty; no past due fees. Specialties would include hearth work, gas appliances. Mike Wisdom stated specialty contractors would need to have a journeyman's license, as there is no specialty journeyman license. Mr. Corbell suggested submitting legislation adding a specialty journeyman license. Mr. Bledsoe also pointed out that other specialties need to be looked at, including pool heaters, gas fireplaces. Russ Goyen suggests "non-duct connected appliances" would be specialty.

HVAC JOURNEYMAN CERTIFICATE OF COMPETENCY

After grand fathering has expired suggested requirements were: four year apprentice; complete an approved training course; pass a test; pass practical work test. These types of requirements would be consistent with what other Division of Building Safety Bureaus require. The Board agreed there should be a test to grandfather in journeyman. Chairman Minegar didn't think there would be any businesses against the testing of journeymen for licensing. Steve Brown felt it would be important to require them to be familiar with Code and up to speed. Chairman Minegar suggested either a test or proof of gasfitters and refrigeration license. Mr. Bledsoe felt that every journeyman should be education in all aspects of the trade with continuing education. Mr. Brown pointed out there are a number of different CFC licenses. Brent Moore expressed concern over apprentice to journeyman issue if some journeymen don't pass. Ted Hogander answered the Board's question as to the type of test for plumbing journeymen; there are 100 questions on a standardized test. Gary Malmen entered and answered the same question; there are seven specialty categories, each has approximately 50 questions and test on pertinent code, and calculations. Mr. Bledsoe pointed out to the Board that the test would need to be based on the code the Board plans to adopt. Mr. Smith suggested writing the test general enough so the answer could be in either code book. Chairman Minegar wrapped up the requirements by reiterating they should include four years experience per notarized employer letter, licensed in another local jurisdiction, and a certificate of completion from an approved apprenticeship program.

Mr. Wisdom motioned for the Division of Building Safety to work up a rough draft of the administrative rules to be presented at the June 19, 2003 meeting. Seconded. Mr. Firkins amended the motion to have the draft presented at the July meeting to give the Division of Building Safety more time to develop the draft. Seconded. Passed.

Mr. Firkins motioned for the Division of Building Safety and the deputy attorney general to draft rules pertaining to permits and inspections also. Seconded. Passed.

INSPECTORS

Mr. Firkins begins discussion on what requirements should be put in rule regarding inspectors. Mr. Munroe reminds the Board that Idaho Code Section 54-5021 states "All inspectors shall be certified by rule of the HVAC board as a commercial mechanical inspector or a residential mechanical inspector, depending upon the duties assigned." Currently plumbing and electrical inspectors have to be journeymen. Mr. Firkins wants HVAC inspectors to be journeymen outside of the grand fathering clause, or have a third party certification if they're not journeymen. Mr. Goyen feels journeymen should be certified according to the code the Board adopts. Mr. Munroe clarifies with inspectors being certified journeymen according to either code during the grand fathering period.

BOARD MEETING CALENDAR After some discussion, Chairman Minegar finalized the next Board meeting to be held Thursday, June 19, 2003 from 9:00 am to 4:00 pm at the Division of Building Safety in Meridian, Idaho.

DISCUSSION ON JUNE 19, 2003 MTG. AGENDA Chairman Minegar discussed items necessary for the next Board meeting's agenda. He suggested reviewing Chapter 50, Title 54, Idaho Code. Take questions from Division of Building Safety staff to assist in draft administrative rule writing. Set up following meeting (in Post Falls?). Mr. Moore asked the Board when apprentice registrations would be discussed. Mr. Firkins responded that the Board would discuss that in the Fall.

ADJOURNMENT

The meeting was adjourned at 11:45 am.

Respectfully submitted

Shauna Wallace

Discussion draft for 6-12-03 Board . .eting

HVAC PERMIT AND INSPECTION FEES As per Idaho Code 54-5017

RESIDENTIAL SINGLE AND DUPLEX FAMILY DWELLING FEES:

Fifty dollars (\$50) Base permit fee plus an inspection fee of:

Fifty dollars (\$50) For each furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances. Fee includes ducts, vents, and flues attached thereto.

Fifteen dollars (\$15) For each exhaust or ventilation duct such as dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust and ventilation ducts.

Fifty dollars (\$50) For the fuel gas piping system.

MULTIFAMILY, COMMERCIAL, INSTITUTIONAL, INDUSTRIAL, and ALL OTHER INSTALLATION FEES:

Fifty dollars (\$50) Base permit fee for each building plus an inspection fee based on the selling price of the completed installation including equipment, appliances, piping systems, materials, and labor of: three percent (3%) of the value of the installation up to twenty thousand dollars (\$20,000); plus two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to one hundred thousand dollars (\$100,000); plus one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to two hundred thousand dollars (\$200,000); plus one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).

PLAN CHECK and TECHNICAL SERVICE FEES

Fifty dollars (\$50) Minimum fee plus fifty dollars (\$50) per hour.

ADDITIONAL and REINSPECTION FEES

Fifty dollars (\$50) Minimum fee plus fifty dollars (\$50) per hour ADDITIONAL fees shall also be paid before approval of the installation if the following services are necessary.

- a. Trips to inspect when the submitter of the permit had given notice to the inspector that the work is ready for inspection when it was not, or if the submitter has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection.
- b. Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice.
- Each trip necessary to remove a red tag from the jobsite.
- d. When corrections have not been made in the prescribed time, unless an extension has been requested and granted.

EXPIRATION OF PERMITS - FEES

Every permit issued by the HVAC Bureau (authority having jurisidiction) shall expire by limitation and become null and void if the work authorized by such permit is not commenced with ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receipt of Bureau (authority having jurisidiction) approval and fifty dollar (\$50) renewal fee.

NO PERMIT - FEES

Failure to acquire, post and send permit and pay required fees in the prescribed time may result in the assessment of a **DOUBLE** fee. Any additional offenses within a twelve-month period of failure to acquire, post and send permit and pay required fees in the prescribed time shall result in the assessment of a **TRIPLE FEE!**

Discussion draft for 6-12-03 Board Meeting HVAC RULES

Review just one (1) chapter of rules, if possible. Have Kay Manweiler, Deputy Attorney General explain to Board.

HVAC CONTRACTOR CERTIFICATE OF COMPETENCY: Bond, pass examination, 2 years as HVAC journeyman, continuing education (defer this part of rule until program is up and running)...ref elec ch 3, 5, 7 and plbg ch 5.

*Special grandfathering provision – to expire 12-31-04...ref 6-5-03 Board minutes and discussion draft notes.

HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY: Bond, pass examination, 1 year as HVAC journeyman, continuing education (defer this part of rule until program is up and running),...ref elec ch 4, 5, 7 and plbg ch 5.

*Special grandfathering provision – to expire 12-31-04...ref 6-5-03 Board minutes and discussion draft notes.

HVAC JOURNEYMAN CERTIFICATE OF COMPETENCY: Serve 4 years as apprentice, successfully complete training courses, pass examination, pass practical work with no violations, continuing education (defer this part of rule until program is up and running),...ref elec ch 3, 5, 7 and plbg ch 5.

*Special grandfathering provision – to expire 12-31-04...ref 6-5-03 Board minutes and discussion draft notes.

APPRENTICE REGISTRATION: Minimum age – 16 (verify with current labor laws), maintain enrollment in approved training program, journeyman supervision, journeyman to apprentice ratio (defer this part of rule until program is up and running), ...ref elec ch 3, 5, 7 and plbg ch 5.

*Special grandfathering provision – to expire 12-31-04...ref 6-5-03 Board minutes and discussion draft notes.

CIVIL PENALTIES: ...ref elec ch 11

APPEALS: Similar to electrical EXCEPT the HVAC appeal board shall be the FULL HVAC Board...ref elec ch 8.

PERMITS: ...ref elec ch 1 and pblg ch 2.

PERMIT AND INSPECTION FEES: Review discussion draft for 6-12-03 Board meeting...ref elec ch 2 and plbg ch 3.

INSPECTIONS: ...ref elec ch 1 and plbg ch 4.

INSPECTORS: Required to be HVAC journeyman, review certifications required,...

*Special grandfathering provision – to expire 12-31-04...if not HVAC journeyman, certified HVAC and fuel gas piping inspector...

CODE: Board members to get and carefully review, study, ponder,... the 2003 UMC and the 2003 IMC and IFGC – review input from the division – choose best code...ref. elec ch 6, 10 and plbg ch 6.

Have Division and Deputy Attorney General prepare drafts of statute revisions and written drafts of rules to review at the next HVAC Board meeting.

January 21, 2003

To:

Idaho HVAC Contractors

From:

Charlie Barrett / Jim Bledsoe

Subject:

HVAC Legislation

The Northwest HVAC Association proposes to introduce legislation that will, over a twoyear period, establish our own Bureau in the Division of Building Safety. A two year phase is necessary, as the industry must fund the inception of the Bureau. General funds are not available.

Topics to be addressed in the legislation include:

 a) A certificate of competency for each HVAC company-Companies currently in business will be grand fathered.

b) A single statewide license for HVAC contractors rather than individual jurisdiction.

c) Methods for formal training of journeymen and apprentices to improve safety and reduce insurance costs.

d) A five-member board of HVAC contractors to approve and interpret codes.

Our initial contact with contractors and suppliers had indicated support for this legislation. It allows the industry to have more say and control in the daily routines of our businesses.

As HVAC dealers, every one of us has a goal to serve our customers with our highest level of expertise in a professional and courteous manner. Not only is this our goal, this level of service is the expectation of our customers and communities. This legislation will help provide the citizens of Idaho with an assurance that expectations have been identified and are being met. Please extend your ideas and support to this process. We strongly believe it benefits everyone.

As this legislation needs to be introduced by the end of January. We need your immediate input. Please contact the following with your comments and suggestions:

Charlie Barrett - YMC, Inc. 208-888-1727 Fax 208-895-9699 e-mail cbarrett@vmc.com

Jim Bledsoe - Jim's Heating and Cooling 208-376-1717 Fax 208-376-1764

TOTAL P.01